

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**EZEQUIEL OLIVARES ABARCA, et al,  
individually and on behalf of all those similarly  
situated,**

**and**

**WILLIAM SMITH, on behalf of himself and all  
others similarly situated, and on behalf of the  
general public,**

**and**

**BRIAN VESTER and JOEL MORALES,  
individually and on behalf of all others  
similarly situated,**

**and**

**DANIEL BRYANT, individually and on behalf  
of all others similarly situated,**

**Plaintiffs,**

**vs.**

**WERNER ENTERPRISES, INC., et al.,**

**Defendants.**

**8:14CV319**

**AMENDED  
ORDER SETTING TRIAL**

**8:15CV287**

**AMENDED  
ORDER SETTING TRIAL**

**8:17CV145**

**AMENDED  
ORDER SETTING TRIAL**

**8:20CV227**

**AMENDED  
ORDER SETTING TRIAL**

This matter is before the Court on Plaintiffs' Unopposed Motion to Extend Fact Discovery and Corresponding Deadlines (Filing No. 372 in the Lead Case). Due to the large volume of messaging data produced by Defendants in compliance with the Court's prior Order (Filing No. 367 in the Lead Case), it has taken Plaintiffs' experts longer than anticipated to prepare the data for use in depositions. Plaintiffs therefore request an extension of case deadlines so their experts can complete preparation of the messaging data. After review of the motion, and for good cause shown,

**IT IS ORDERED** that Plaintiffs' Unopposed Motion to Extend Fact Discovery and Corresponding Deadlines (Filing No. 372 in the Lead Case, et al.) is granted, and the Order Setting Trial is amended as follows:

- 1) The deadline for completing written discovery under Rules 33, 34, 36, and 45 of the Federal Rules of Civil Procedure is **July 7, 2023**. Motions to compel written discovery under Rules 33, 34, 36, and 45 must be filed by **July 21, 2023**.

**Note:** A motion to compel, to quash, or for a disputed protective order shall not be filed without first contacting the chambers of the undersigned magistrate judge

on or before the motion to compel deadline to set a conference to discuss the parties' dispute, and after being granted leave to do so by the Court.

- 2) The deadlines for identifying expert witnesses and completing expert disclosures for all experts expected to testify at trial, (both retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(B\)](#)), and non-retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(C\)](#)), are:

For the plaintiffs:	<b>August 4, 2023</b>
For the defendant:	<b>September 22, 2023</b>
Plaintiffs' rebuttal:	<b>October 13, 2023</b>

- 3) The deposition deadline, including but not limited to depositions for oral testimony only under Rule 45, is **November 3, 2023**.
- 4) The deadline for filing motions to dismiss and motions for summary judgment is **November 17, 2023**.
- 5) The deadline for filing motions to exclude testimony on *Daubert* and related grounds is **December 4, 2023**.
- 6) The Pretrial Conference is scheduled before the undersigned magistrate judge on **May 1, 2024**, at **11:00 a.m. CST**, and will be conducted by internet/telephonic conferencing. Video conferencing instructions will be entered under separate order. The parties' proposed Pretrial Conference Order and Exhibit List(s) must be emailed to [nelson@ned.uscourts.gov](mailto:nelson@ned.uscourts.gov), in Word format, by **3:00 p.m.** on **April 22, 2024**.
- 7) The jury trial of this case is set to commence before Joseph F. Bataillon, Senior United States District Judge, in Courtroom 3, Roman L. Hruska Federal Courthouse, 111 South 18th Plaza, Omaha, Nebraska, at **9:00 a.m.** on **May 28, 2024**, or as soon thereafter as the case may be called, for a duration of nine (9) trial days. This case is subject to the prior trial of criminal cases and such other civil cases as may be scheduled for trial before this one. Jury selection will be held at the commencement of trial.
- 8) Motions in limine shall be filed seven days before the pretrial conference. It is not the normal practice to hold hearings on motions in limine or to rule on them prior to the first day of trial. Counsel should plan accordingly.

Dated this 3<sup>rd</sup> day of February, 2023.

BY THE COURT:

s/Michael D. Nelson  
United States Magistrate Judge